

SUBCOMMITTEE ON IMMIGRATION AND BORDER SECURITY

Mr. SANTORUM. Mr. President, I ask unanimous consent that the Committee on the Judiciary Subcommittee on Immigration and Border Security be authorized to meet to conduct a hearing on "Refugees: Seeking Solutions to a Global Concern" on Tuesday, September 21, 2004, at 2:30 p.m. in SD226.

Agenda:

Panel I: Gene Dewey, Assistant Secretary, Bureau of Population, Refugees, and Migration, Department of State, Washington, D.C.; Eduardo Aguirre, Director, U.S. Citizenship and Immigration Services, Department of Homeland Security, Washington, D.C.

Panel II: Charles H. Kuck, Managing Partner, Immigration Group, Weathersby, Howard & Kuck, LLC, Atlanta, GA; Mark Franken, Chair, Refugee Counsel, USA, Washington, D.C.; Lavinia Limon, Executive Director, United States Committee for Refugees, Washington, D.C.

The PRESIDING OFFICER. Without objection, it is so ordered.

SUBCOMMITTEE ON NATIONAL PARKS

Mr. SANTORUM. Mr. President, I ask unanimous consent that the subcommittee on National Parks of the Committee on Energy and Natural Resources be authorized to meet during the session of the Senate on Tuesday, September 21 at 2:30 pm.

The purpose of the hearing is to receive testimony on the following bills: S. 784 and H.R. 1630, to Revise the Boundary of Petrified Forest National Park in the State of Arizona, and for other purposes; S. 2656, to establish a National Commission on the Quincentennial of the Discovery of Florida by Ponce De Leon; S. 2499, to modify the boundary of the Harry S Truman National Historic Site in the State of Missouri, and for other purposes; S. 1311, to establish the Hudson-Fulton-Champlain 400th Commemoration Commission, and for other purposes; and H.R. 2055, to amend P.L. 89-366 to allow for an Adjustment in the Number of Free Roaming Horses Permitted in Cape Lookout National Seashore.

THE PRESIDING OFFICER. Without objection, it is so ordered.

PRIVILEGES OF THE FLOOR

Mr. KENNEDY. Mr. President, I ask unanimous consent that Stephen Kosack, a fellow in my office, be granted the privileges of the floor during the remainder of morning business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARKIN. Mr. President, I ask unanimous consent that Katie Callahan of my staff be granted the privileges of the floor for the duration of today's session.

The PRESIDING OFFICER. Without objection, it is so ordered.

MARITIME TRANSPORTATION SECURITY ACT OF 2004

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 530, S. 2279.

The PRESIDING OFFICER. The clerk will state the bill by title.

The legislative clerk read as follows:

A bill (S. 2279) to amend title 46, United States Code, with respect to maritime transportation security, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Commerce, Science, and Transportation, with an amendment to strike all after the enacting clause and insert in lieu thereof the following:

(Strike the part shown in black brackets and insert the part shown in italic.)

S. 2279

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

[SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

[(a) SHORT TITLE.—This Act may be cited as the "Maritime Transportation Security Act of 2004".

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

[Sec. 1. Short title; table of contents

[Sec. 2. In rem liability; enforcement; pier and wharf security costs.

[Sec. 3. Maritime information.

[Sec. 4. Intermodal cargo security plan.

[Sec. 5. Joint operations center for port security.

[Sec. 6. Maritime transportation security plan grants.

[Sec. 7. Assistance for foreign ports.

[Sec. 8. Federal and State commercial maritime transportation training.

[Sec. 9. Port security research and development.

[Sec. 10. Nuclear facilities in maritime areas.

[Sec. 11. Transportation worker background investigation programs.

[Sec. 12. Security service fee.

[Sec. 13. Port security capital fund.

[SEC. 2. IN REM LIABILITY; ENFORCEMENT; PIER AND WHARF SECURITY COSTS.

[(a) IN GENERAL.—Chapter 701 of title 46, United States Code, is amended—

[(1) by redesignating section 70117 as 70120; and

[(2) by inserting after section 70116 the following:

[“§ 70117. In rem liability for civil penalties and certain costs

[(a) IN GENERAL.—Any vessel subject to the provisions of this chapter, which is used in violation of this chapter or any regulations issued hereunder shall be liable in rem for any civil penalty assessed pursuant to section 70120 and may be proceeded against in the United States district court for any district in which such vessel may be found.

[(b) REIMBURSABLE COSTS.—

[(1) IN GENERAL.—Any vessel subject to the provisions of this chapter shall be liable in rem for the reimbursable costs incurred by any valid claimant related to implementation and enforcement of this chapter with respect to the vessel, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, and other persons to whom the management of the vessel at the port of supply is entrusted, and any fine or penalty relating to reporting requirements of the ves-

sel or its cargo, crew, or passengers, and may be proceeded against in the United States district court for any district in which such vessel may be found.

[(2) REIMBURSABLE COSTS DEFINED.—In this subsection the term ‘reimbursable costs’ means costs incurred by any service provider, including port authorities, facility or terminal operators, shipping agents, Federal, State, or local government agencies, or other person to whom the management of the vessel at the port of supply is entrusted, for—

[(A) vessel crew on board, or in transit to or from, the vessel under lawful order, including accommodation, detention, transportation, and medical expenses; and

[(B) required handling under lawful order of cargo or other items on board the vessel.

[“§ 70118. Enforcement by injunction or withholding of clearance

[(a) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this chapter or of regulations issued hereunder, for cause shown.

[(b) WITHHOLDING OF CLEARANCE.—

[(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under section 70120, or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty under section 70120, the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).

[(2) Clearance refused or revoked under this subsection may be granted upon filing of a bond or other surety satisfactory to the Secretary.

[“§ 70119. Security of piers and wharfs

[(a) IN GENERAL.—Notwithstanding any provision of law, the Secretary shall require any uncleared, imported merchandise remaining on the wharf or pier onto which it was unladen for more than 5 calendar days to be removed from the wharf or pier and deposited in the public stores or a general order warehouse, where it shall be inspected for determination of contents, and thereafter a permit for its delivery may be granted.

[(b) PENALTY.—The Secretary may impose an administrative penalty of \$5,000 for each bill of lading for general order merchandise remaining on a wharf or pier in violation of subsection (a).”

[(b) CONFORMING AMENDMENT FOR IN REM LIABILITY PROVISION IN CHAPTER 701.—Section 2 of the Act of June 15, 1917 (50 U.S.C. 192) is amended—

[(1) by striking “Act,” each place it appears and inserting “title,”; and

[(2) by adding at the end the following:

[(d) IN REM LIABILITY.—Any vessel subject to the provisions of this title, which is used in violation of this title, or any regulations issued hereunder, shall be liable in rem for any civil penalty assessed pursuant to subsection (c) and may be proceeded against in the United States district court for any district in which such vessel may be found.

[(e) INJUNCTION.—The United States district courts shall have jurisdiction to restrain violations of this title or of regulations issued hereunder, for cause shown.

[(f) WITHHOLDING OF CLEARANCE.—

[(1) If any owner, agent, master, officer, or person in charge of a vessel is liable for a penalty or fine under subsection (c), or if reasonable cause exists to believe that the owner, agent, master, officer, or person in charge may be subject to a penalty or fine under subsection (c), the Secretary may, with respect to such vessel, refuse or revoke any clearance required by section 4197 of the Revised Statutes of the United States (46 U.S.C. App. 91).